

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**MONDREA VINNING-EL,**

**Plaintiff,**

**v.**

**No. 05-cv-570-DRH**

**JOHN EVANS and  
CHAPLAN SUTTON, et al.,**

**Defendants.**

**ORDER**

**HERNDON, Chief Judge:**

On October 11, 2011, the Seventh Circuit Court of Appeals entered a Mandate (Doc. 95) regarding a summary judgment Order of this Court granting defendants summary judgment in their favor regarding plaintiff's RLUIPA claim and denying summary judgment regarding plaintiff's Section 1983 claim (Doc. 80). The Seventh Circuit reversed and remanded the denial of summary judgment as to the Section 1983 claim against defendant Evans, directing this Court to enter judgment in his favor. Further, the Seventh Circuit vacated and remanded the denial of summary judgment as to the Section 1983 claim against defendant Sutton (Doc. 80).

The Seventh Circuit directs this Court to hold a hearing to resolve the viability of defendant Sutton's qualified immunity defense. Specifically, this Court must conclude "whether [Sutton] reasonably attempted to determine whether

Vinning-El has a sincere belief that his religion requires a vegan diet.” *Vinning-El v. Evans*, No. 10-1681, 2011 U.S. App. WL 4336661, at \*4 (7th Cir. Sept. 16, 2011). Stated differently, this Court must determine “whether Sutton used the tenets of Moorish Science to disqualify Vinning-El, or only as a reason to suspect that Vinning-El may have been seeking a vegan diet for personal rather than religious reasons.” *Id.*

Thus, in accordance with the Seventh Circuit directive, a hearing will be held on February 2, 2012, at 1:30 p.m., to hear testimony from defendant Sutton to resolve the viability of his defense of qualified immunity. Moreover, at the appropriate time, the Court will enter judgment in defendant Evans’ favor.

**IT IS SO ORDERED.**

Signed this 13th day of October, 2011.

*David R. Herndon*



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Date: 2011.10.13 14:09:37 -05'00'

**Chief Judge  
United States District Court**